

DATED: January 25, 2005

MINUTES OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO,  
CALIFORNIA

RE: RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT  
DOMAIN TO ACQUIRE PROPERTY FOR HOWARD STREET,  
LOCATED IN THE ONTARIO/MONTCLAIR AREA

On motion by Supervisor \_\_\_\_\_ and seconded by Supervisor  
\_\_\_\_\_ and carried, the following Resolution is adopted:

RESOLUTION NO. \_\_\_\_\_

RESOLVED, by the Board of Supervisors of the County of San Bernardino, State  
of California:

THAT public safety, welfare, convenience, interest and necessity require the  
acquisition by the County of San Bernardino, of the property hereinafter described for  
public use, to wit: Acquisition of property for sidewalks, curbs and gutters along  
the north side of Howard Street in the Ontario/Montclair area.

THAT the County of San Bernardino is authorized to acquire property by eminent  
domain pursuant to Government Code Section 25350.5.

THAT the Board of Supervisors of the County of San Bernardino finds and  
determines:

- (1) The public interest and necessity require the project described in the  
proposed Resolution of Necessity; to acquire property in the Hesperia  
area.
- (2) The project is planned or located in the manner that will be most  
compatible with the greatest public good and the least private injury;
- (3) The property sought to be acquired is necessary for the project;
- (4) Either an offer required by Section 7267.2 of the Government Code has  
been made to the owner or owners of record or the offer has not been  
made because the owner cannot be located with reasonable diligence.

THAT pursuant to Sections 1240.510 and 1250.610 of the Code of Civil  
Procedure, to the extent that the parcels of land or interest therein are already devoted  
to a public use, the use to which the property is to be put is a more necessary public use  
than the use to which the property is already devoted or in the alternative is a compatible  
public use which will not unreasonably interfere with or impair the continuance of the  
public use to which the property or interest is already devoted.

THAT pursuant to Section 1240.410 of the Code of Civil Procedure, to the extent

that the parcels of land or interest therein leave a "remnant" as defined in said section, such remnant shall be acquired herein in accordance with Sections 1240.410 through 1240.430 of said Code.

BE IT FURTHER RESOLVED that the Board of Supervisors is hereby authorized to acquire in the name of the County of San Bernardino, the following described lands by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California, and the Code of Civil Procedure relating to eminent domain.

THAT County Counsel of the County of San Bernardino is hereby authorized and instructed to prepare and prosecute, in the name of the County of San Bernardino, such suit or suits in the proper Court having jurisdiction thereof as is necessary to condemn said lands for the purposes hereinabove described.

The real property to which the County of San Bernardino is by this resolution authorized to acquire is situate, lying and being in the County of San Bernardino, State of California, and is attached as Exhibit "A" and made a part thereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO    ) ss.

I, J. RENÉE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County, California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by Board of Supervisors by vote of the members present as the same appears in the Official Minutes of said Board at its meeting of

J. RENÉE BASTIAN, Clerk of the  
Board of Supervisors of San Bernardino County

By \_\_\_\_\_  
Deputy